

U.S. Department of Labor

Martonik 1995
Occupational Safety and Health Administration
Washington, D.C. 20210

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Susan B. Hazen
Acting Deputy Director
Office of Pollution Prevention
and Toxics
United States Environmental
Protection Agency
Washington, D.C. 20460

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Dear Ms. Hazen:

Thank you for the opportunity to provide comment on EPA's "Proposed Test Rule for Certain Hazardous Air Pollutants" (40 CFR Part 795, 799) under the Toxic Substances Control Act. As was stated in meetings of the ONE Committee, OSHA has a high degree of interest in this project, in both the testing being proposed by EPA and in the specific substances identified by EPA in this proposed test rule. As OSHA does not have authority to require testing of chemicals, and therefore must rely on data generated outside the Agency, it is imperative for us to work closely with EPA to identify gaps in data required for hazard identification and risk assessment for chemicals with significant occupational exposures. OSHA strongly supports this data collection effort, and also supports the specific toxicological testing profile selected by EPA as being consistent with OSHA's data needs.

Specifically, most of the hazardous air pollutants addressed in EPA's proposed test rule (40 CFR Part 795, 799) are also found on OSHA's Z-Tables (29 CFR 1910.1000). These tables were updated in 1989, and in 1992 the final rule was vacated back to the Agency by the Eleventh Circuit Court for additional risk and feasibility analyses. OSHA is considering proposing some limited number of these substances again, along with the additional analyses. Two substances currently being evaluated by OSHA for inclusion in OSHA's next PEL or Air Contaminants rule are found in this proposed test rule: ethylene dichloride and methyl isobutyl ketone. Although the mandates of the Agencies differ, OSHA and EPA essentially use the same data base. Therefore, OSHA's ability to assess risk to toxic substances in the workplace is limited by insufficient data comparable to that of EPA.

All of the remaining substances covered by the test rule, with the exception of two are included in OSHA's Z-Tables, and are, therefore, potential candidates for future Permissible Exposure Limit (PEL) Updates. Collection of the additional data requested by this test rule would assist OSHA in responding to the Court's mandate in developing future rules. On the other hand, the absence of data requested by this test rule in some

cases may prohibit OSHA from conducting the type of analysis required by the Court. The specific substances of interest (in addition to ethylene dichloride and methyl isobutyl ketone) are: biphenyl, chlorine, chlorobenzene, chloroprene, cresols, diethanolamine, ethylbenzene, ethylene glycol, hydrogen fluoride, maleic anhydride, naphthalene, phenol, phthalic anhydride, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, and vinylidene chloride.

I appreciate the opportunity to comment on this proposed test rule and anticipate that this effort will provide further resource-sharing and collaborative opportunities between our respective Agencies.

Sincerely,



John F. Martonik
Deputy Director
Directorate of Health Standards
Programs